

STATE OF ALASKA DEPARTMENT OF HEALTH & SOCIAL SERVICES DIVISION OF SENIOR AND DISABILITIES SERVICES POLICY & PROCEDURE MANUAL	SECTION: Developmental Disabilities	Number: 8-1	Page: 1 of 6
	SUBJECT: Developmental Disability Determinations		
	APPROVED: /s/ <i>Duane G. Mayes</i>		DATE: 4/3/17
	Duane G. Mayes, Director (Replaces policy signed 12/22/15)		

Purpose

To provide a uniform method of determining whether a person experiences a developmental disability as defined in AS 47.80 900 (6), for the purpose of qualifying for state-funded developmental disabilities services.

To provide for an appeal process when denied eligibility.

Policy

SDS determines whether an individual with developmental disabilities has functional limitations substantial enough to qualify for state-funded developmental disabilities services. This determination of developmental disability (called “DD eligible”) allows access to state-funded developmental disabilities community grant services, as available. It also allows the opportunity to register with SDS for assessment for Intellectual and Developmental Disabilities (IDD) home and community based waiver services, when funding becomes available (pursuant to Policy and Procedure Number 4-3).

An individual interested in receiving a developmental disability determination submits a complete application to SDS. An SDS Qualified Intellectual Disabilities Professional (QIDP) evaluates the complete application based on the criteria set forth in AS 47.80 900 (6).

The QIDP makes one of three decisions based on the contents of the application: 1) the applicant is determined developmentally disabled with functional limitations substantial enough to qualify for state-funded developmental disabilities grant services (is “DD eligible”); 2) the applicant is denied DD eligibility due to the application having incomplete information or insufficient documentation; or 3) the applicant is determined not to have substantial functional limitations, so is denied “DD eligible” status.

Individuals who are determined to be DD eligible may seek developmental disabilities community grant-funded services from agencies, as available. These individuals may also complete the developmental disabilities registration and review (DDRR) process to be evaluated for IDD home and community based waiver services, when funding becomes available.

Individuals who are denied DD eligibility have 30 business days to submit additional information prior to their files being closed. Individuals who have their files closed may reapply at any time.

Authority

AS 47.80.900 (6) definition of “person with a developmental disability”

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Definitions

“Aging and Disability Resource Center (ADRC)” is a state-designated agency or entity whose primary goal is to serve the public, specifically seniors, people with disabilities and their caregivers and families, as an unbiased resource for information and assistance related to Long Term Services and Supports (LTSS).

“Applicant” means an individual who has submitted an application for a determination of developmental disability.

“Complete application” means a Developmental Disability Determination application with all sections complete and signed by the applicant or legal representative. A complete application must include assessments and evaluations, dated and signed by the professionals who have administered them, that document the applicant’s current functional levels in the areas listed in section (D) of AS 48.80.900(6). Applications signed by anyone other than a parent of a minor child or an applicant who is 18 or older must include copies of court or Power of Attorney documents designating the signer’s authority as the applicant’s legal representative.

“DD eligible” means an individual who has submitted an initial application for a developmental disability determination and who has received an approval letter from SDS, stating that s/he experiences a developmental disability, as defined in AS 47.80.900 (6):

(6) "person with a developmental disability" means a person who is experiencing a severe, chronic disability that

(A) is attributable to a mental or physical impairment or combination of mental and physical impairments;

(B) is manifested before the person attains age 22;

(C) is likely to continue indefinitely;

(D) results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency; and

(E) reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated.

“Developmental Disability Determination” (DDD) means the application form and the process used to seek a determination of developmental disability.

“Developmental Disability Registration and Review” (DDRR) means the assessment form that, when completed, allows an individual who has been found “DD eligible” to be considered for further evaluation when IDD home and community based waiver services funding becomes available. DDRR status should be updated annually.

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“Developmental disabilities services” means both grant-funded services and the Intellectual and Developmental Disabilities (IDD) waiver program.

“Early Intervention/Infant Learning Program” means Part C of the Individuals with Disabilities Education Act.

“Evaluation Summary and Eligibility Report” (ESER) means the report issued by a school district in Alaska evaluating a student for eligibility for special education services.

“Grant-funded services” means services funded through programs managed by provider agencies with grant awards from SDS.

“Individual Education Program” means Part B of the Individuals with Disabilities Education Act.

“Intermediate care facility for individuals with intellectual disabilities” (ICF/IID) means a facility that is primarily for the diagnosis, treatment, habilitation, or rehabilitation of people with intellectual and developmental disabilities or related conditions and that has met the conditions for payment set out in 7 AAC 140.600.

“Legal representative” means a parent of a minor child or an individual with legal authority to act on behalf of an applicant. An individual age 18 and older without a court-appointed guardian or Power of Attorney is his or her own legal representative.

“Qualified Intellectual Disabilities Professional” (QIDP) means an SDS employee who meets the requirements of 7 AAC 140.640.

“Registry” means the list of applicants who have been found to be DD eligible, have completed the DDRR, and are waiting for an evaluation for home and community based waiver services.

“Reasonable person standard” means that a typical person with no specialized knowledge or training would consider a decision to be logical.

“STAR agency/STAR coordinator” means the Short-Term Assistance and Referral entity/individual tasked with helping people with developmental disabilities and their families to address short-term needs, such as applying for developmental disability determination using the DDD, and registering with SDS for evaluation when waiver services funding becomes available, by completing the DDRR.

“Substantial functional limitation” means consistently functioning at or near a level that is two standard deviations delayed, or 25% delayed, or functioning at or below the 2nd percentile, compared to the typical functioning of same age peers. Substantial functional limitation must be demonstrated globally in areas of major life activity, as defined in AS 47.80.900 (6)(D). Behavioral reluctance or refusal to perform tasks in an

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area is not considered a limitation of a person's ability in an area, but rather, a component in the area of self-direction.

Responsibilities

1. The **applicant** or **legal representative** is responsible for:
 - a. submitting a complete DDD application, including supporting documentation, for a developmental disability determination,
 - b. re-applying using the DDD application for developmental disabilities determination, if DD eligibility is approved provisionally and continued need exists after the eligibility expiration date,
 - c. completing the Developmental Disabilities Registration and Review (DDRR) form if the applicant wants to be considered for home and community waiver services or wants the applicant's needs and desires to be considered by SDS for program planning purposes, and
 - d. maintaining current contact information with SDS, by submitting a completed DDRR at least annually, and more frequently, if necessary.
2. The **STAR or ADRC coordinator** is responsible for
 - a. advising the applicant or representative of eligibility requirements for determination of developmental disability,
 - b. assisting the applicant or representative with submitting a complete DDD application, upon request, and
 - c. for persons with DD eligibility, assisting with access to needed services.
3. The **SDS QIDP** is responsible for
 - a. reviewing each application and supporting documentation,
 - b. determining whether the applicant experiences a developmental disability, as defined in AS 47.80.900 (6),
 - c. notifying the applicant of the determination decision,
 - d. informing those applicants who are found DD-eligible that they qualify for state grant-funded services, and that they may submit a Developmental Disabilities Registration and Review (DDRR) form to be considered for IDD waiver services, and
 - e. advising individuals who receive denials of the opportunity to request a review by the IDD unit manager.

Procedures

A. Timeframes

1. Within 30 business days of receipt of the complete application, SDS makes a decision whether the applicant is DD eligible.

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2. Within five business days of the DD eligibility determination, SDS issues written notification of the decision to the applicant or representative.

B. Application for services

1. The applicant and/or legal representative compiles and submits a complete application.
2. The SDS Qualified Intellectual Disabilities Professional (QIDP) determines whether the applicant experiences a developmental disability as defined by Alaska Statute 47.80.900(6):
 - a. for applicants who do not meet the determination requirements, the QIDP notifies the applicant in writing that DD eligibility is denied because the statutory definition has not been met, and that the applicant has 30 days to submit additional documentation for reconsideration or request a review of the denied application by the IDD unit manager;
 - b. for applicants whose eligibility cannot be determined because insufficient information was provided, the QIDP notifies the applicant in writing that DD eligibility is denied due to the application having incomplete information or insufficient documentation, and that the applicant has 30 days to submit additional documentation for reconsideration; or
 - c. for applicants who do meet the DD eligibility requirements, the QIDP notifies the applicant in writing that
 1. DD eligibility was determined, and if the approval is provisional (time-limited), that eligibility includes an end date,
 2. The applicant can seek grant-funded services, as available, from a DD provider agency, and
 3. The applicant can complete the DDDR for evaluation when IDD home and community based waiver services funding becomes available.

C. Re-determination of eligibility:

1. An individual's eligibility for developmental disabilities services may be re-evaluated by SDS at the following times:
 - a. When considered for selection from the Registry for IDD home and community based waiver services;
 - b. When identified as a transition candidate from one Home and Community Based (HCB) waiver to another HCB waiver;
 - c. As specified in the initial eligibility determination letter, or at the following approximate ages:
 - i. Four years of age,
 - ii. Seven years of age,
 - iii. Sixteen years of age;
 - iv. Between 18-22 years of age; and
 - d. at the discretion of the department.

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2. The re-determination process requires that a new DDD application is submitted with current supporting documentation.

D. Expedited determinations:

1. SDS can expedite the determination of disability in the following circumstances:
 - a. the declining health of a primary unpaid caregiver that makes the caregiver unable to continue to provide care for the applicant; or
 - b. the death of a primary unpaid caregiver 30 or fewer days before the date of the application.
2. The applicant should notify SDS to request an expedited review at the time the complete application is submitted to SDS.

E. Review of denials by unit manager:

1. The denial letter sent an applicant by the QIDP must include information on the opportunity to request a review of the denied application by the IDD unit manager.
2. If a review of a denied application is requested by an applicant, the IDD unit manager will review the application and all documentation, make a determination, and notify the applicant of the manager's determination.

F. Appeals:

1. If an applicant disagrees with the determination made by the IDD unit manager, the applicant has the right to appeal the decision using the Department of Health and Social Services fair hearing process.
2. The Department of Health and Social Services Notice of Recipient Fair Hearing Rights contains information on how to schedule a fair hearing to appeal a denial of disability determination.

G. Reapplications:

Applicants can reapply for a Determination of Developmental Disability at any ti

